

SENATE BILL REPORT

SB 5811

As of February 18, 2009

Title: An act relating to foster child placements.

Brief Description: Concerning the placement of foster children.

Sponsors: Senators Hargrove, Stevens, Shin and Roach.

Brief History:

Committee Activity: Human Services & Corrections: 2/19/09.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jennifer Strus (786-7316)

Background: Currently, when a child is placed in out-of-home care, the priority placement for the child is with a relative unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunify the parent and child would be hindered. Before the child is placed with a relative, the court must find that the person is willing and available to care for the child and be able to meet the child's special needs. The court must also find that the placement with a relative is in the child's best interests. The Department of Social and Health Services (DSHS) or a child placing agency (CPA) must document its effort to place the child with a relative or other suitable person requested by the parent.

Placement with a relative must be given preference by the court at the dispositional stage of the dependency proceeding. If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child is to remain in foster care and DSHS or CPA is to conduct necessary background checks and report the results of those checks to the court within 30 days. If the relative appears otherwise suitable and competent, the criminal history check need not be completed before placement but must be completed as soon after the placement occurs as possible.

DSHS or a CPA must provide foster parents with notice of their right to be heard before each proceeding in a dependency matter. The right to be heard applies only to persons providing care to the child at the time of the proceeding.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: At shelter care, if a parent, whose child is to be placed in out-of-home care, requests relative placement, there is a presumption that the placement does not hinder reunification of the child with the parent. If the parent objects to the relative placement, there is a presumption that the placement does hinder reunification of the child with the parent. DSHS has the burden of overcoming these presumptions by preponderance of the evidence.

When the parent requests that the child be placed with a relative, the placement may not be contingent upon the completion of a home study.

At disposition, if a parent requests relative placement, there is a presumption that the placement does not hinder reunification of the child with the parent. If the parent objects to the relative placement, there is a presumption that the placement does hinder reunification of the child with the parent. DSHS has the burden of overcoming these presumptions by preponderance of the evidence.

If the placement of a child with a relative or foster parent is currently threatened, the relative or foster parent, with the written approval of the child's parent, has the right to be heard regarding the threatened placement. The foster parent has a right to be represented by counsel at the foster parent's expense, the right to cross examine witnesses on the issue of placement, and the right to receive documentation filed with the court related to the relative or foster parent. The term "threatened" means DSHS or Child Protective Services has indicated that it has plans to remove the child or already has removed the child, on an alleged emergency basis, from placement with the foster parent or relative.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.